**ARISTA'S PROPOSED VERDICT FORM**
**October 21, 2016**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

| | |
|---|---|
| CISCO SYSTEMS, INC.,<br>Plaintiff,<br>v.<br>ARISTA NETWORKS, INC.,<br>Defendant. | Case No. 5:14-cv-05344-BLF (NC)<br>**VERDICT FORM** |

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.[1]

[1] Source: N.D. Cal. Model Patent Jury Instruction C.3 (July 16, 2015).

**YOUR ANSWERS MUST BE UNANIMOUS**

**Cisco's Claim for Copyright Infringement**

1. Has Cisco proven that Arista copied protected expression from any of Cisco's registered works?

Yes ____ No ____

**IF YOU ANSWERED "NO" TO QUESTION 1, PLEASE GO TO QUESTION 10.**
**IF YOU ANSWERED "YES" TO QUESTION 1, PLEASE ANSWER QUESTION 2.**

2. Has Cisco proven that any of Arista's works that you find contain copied protected expression are virtually identical to any of Cisco's registered works?

Yes ____ No ____

**IF YOU ANSWERED "NO" TO QUESTION 2, PLEASE GO TO QUESTION 10.**
**IF YOU ANSWERED "YES" TO QUESTION 2, PLEASE ANSWER QUESTION 3.**

3. Please mark on Exhibit A to this Verdict Form each item that you find is protected expression that Arista copied.

**Arista's Fair Use Defense**

4. Has Arista proven that Arista's use of the items that you marked in Exhibit A to this Verdict Form was "fair use"?

Yes ____ No ____

**Arista's Copyright Misuse Defense**

5. Has Arista proven that Cisco misused its copyrights?

Yes ____ No ____

**IF YOU ANSWERED "YES" TO EITHER QUESTION 4 OR QUESTION 5, PLEASE GO TO QUESTION 10.**

**IF YOU ANSWERED "NO" TO BOTH QUESTION 4 AND QUESTION 5, PLEASE ANSWER QUESTION 6.**

**Cisco's Claim for Copyright Damages**

6. Has Cisco proven that it lost profits that were caused by the infringement?

| Yes | No |
|---|---|
| ____ | ____ |

7. Has Cisco proven that Arista earned profits caused by the infringement?

| Yes | No |
|---|---|
| ____ | ____ |

**IF YOU ANSWERED "NO" TO BOTH QUESTION 6 AND QUESTION 7, PLEASE GO TO QUESTION 10.**

**IF YOU ANSWERED "YES" TO QUESTION 6, PLEASE ANSWER QUESTION 8.**

**IF YOU ANSWERED "YES" TO QUESTION 7, PLEASE ANSWER QUESTION 9.**

8. What amount of lost profits do you award to Cisco for Arista's infringement of Cisco's copyright?

$_____

9. What amount of Arista's profits do you award to Cisco for Arista's infringement of Cisco's copyright that you did not already award in Question 7 as lost profits?

$_____

**QUESTION 10 IS ON THE NEXT PAGE.**

**Cisco's Claim for Patent Infringement**

10. Has Cisco proven that Arista infringed claims 1, 6, 10, 11, 13–16, 19, and 23 of the '526 patent?

| | Yes | No |
|---|---|---|
| a. Claim 1 | ____ | ____ |
| b. Claim 6 | ____ | ____ |
| c. Claim 10 | ____ | ____ |
| d. Claim 11 | ____ | ____ |
| e. Claim 13 | ____ | ____ |
| f. Claim 14 | ____ | ____ |
| g. Claim 15 | ____ | ____ |
| h. Claim 16 | ____ | ____ |
| i. Claim 19 | ____ | ____ |
| j. Claim 23 | ____ | ____ |

11. Has Arista proven that it is highly probable that any of the following claims of the '526 patent are invalid?

| | Yes | No |
|---|---|---|
| a. Claim 1 | ____ | ____ |
| b. Claim 6 | ____ | ____ |
| c. Claim 10 | ____ | ____ |
| d. Claim 11 | ____ | ____ |
| e. Claim 13 | ____ | ____ |
| f. Claim 14 | ____ | ____ |
| g. Claim 15 | ____ | ____ |
| h. Claim 16 | ____ | ____ |
| i. Claim 19 | ____ | ____ |
| j. Claim 23 | ____ | ____ |

**IF YOU ANSWERED "YES" FOR INFRINGEMENT (QUESTION 10) AND "NO" FOR INVALIDITY (QUESTION 11) FOR ANY CLAIM OF THE '526 PATENT, THEN PROCEED TO QUESTION 12.**

**IF THERE IS NO CLAIM OF THE '526 PATENT THAT YOU FOUND INFRINGED AND NOT INVALID, THEN SKIP TO THE END OF THIS VERDICT FORM AND SIGN AND DATE IT.**

12. What amount of damages do you award Cisco for Arista's patent infringement?

$_____

13. Has Cisco proven that it is highly probable that from an objective point of view the defenses put forth by Arista failed to raise any substantial question with regard to infringement, validity, or enforceability of the patent claim?

| Yes | No |
|---|---|
| ____ | ____ |

**IF YOU ANSWERED "NO" TO QUESTION 13 SKIP TO THE END OF THIS VERDICT FORM AND SIGN AND DATE IT.**

**IF YOU ANSWERED "YES" TO QUESTION 13, PLEASE ANSWER QUESTION 14.**

14. Has Cisco proven that Arista willfully infringed the '526 patent through the sale of EOS+?

| Yes | No |
|---|---|
| ____ | ____ |

**PLEASE SIGN AND DATE BELOW.**

_____ Date:_____

**Foreperson**

**Exhibit A**

**PLEASE MARK EACH ITEM THAT YOU FIND TO BE PROTECTED AND COPIED BY ARISTA.**

**1. CLI Commands**

aaa accounting ____

aaa authentication login ____

aaa authorization config-commands ____

aaa authorization console ____

aaa group server radius ____

* * *

[Final list to be determined after analytic dissection]

**2. Modes & Prompts**

| | |
|---|---|
| User EXEC | ____ |
| > | ____ |
| Privileged EXEC | ____ |
| # | ____ |
| Global Configuration | ____ |
| # | ____ |

* * *

[Final list to be determined after analytic dissection]

**3. Hierarchies**

aaa ____

bgp ____

clear ____

dot1x ____

ip ____

* * *

[Final list to be determined after analytic dissection]

**4. CLI Command Responses**

```
Switch(config)#help

Help may be requested at any point in a command by entering a question mark '?'.  If nothing
matches, the help list will be empty and you must backup until entering a '?' shows the
available options.

Two styles of help are provided:

   1. Full help is available when you are ready to enter a command argument (e.g. 'show ?')
      and describes each possible argument

   2. Partial help is provided when an abbreviated argument is entered and you want to know
      what arguments match the input (e.g. 'show pr?'.)
```

———

```
Switch#show snmp
Chassis: CAT1552S66E
0 SNMP packets input
        0 Bad SNMP version errors
        0 Unknown community name
        0 Illegal operation for community name supplied
        0 Encoding errors
        0 Number of requested variables
        0 Number of altered variables
        0 Get-request PDUs
        0 Get-next PDUs
        0 Set-request PDUs
        0 Input queue packet drops (Maximum queue size 1000)
0 SNMP packets output
        0 Too big errors (Maximum packet size 1500)
        0 No such name errors
        0 Bad values errors
        0 General errors
        0 Response PDUs
        0 Trap PDUs
SNMP global trap: disabled
SNMP agent enabled
```

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*  *  *

[Final list to be determined after analytic dissection]

5. **Help Descriptions**

32-bit tag value ____

48-bit hardware address of ARP entry ____

AAA group definitions ____

ARP type ARPA ____

ASBR summary link states ____

* * *

[Final list to be determined after analytic dissection]

**6. Technical Documentation**

**show vrrp**

To display a brief or detailed status of one or all configured Virtual Router Redundancy Protocol (VRRP) groups on the router, use the **show vrrp** command in privileged EXEC mode.

**show vrrp [all | brief]**

Cisco IOS IP Application Services Command Reference (2011), at 76.

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**Usage Guidelines**

Use the **ip multicast multipath** command to enable load splitting of IP multicast traffic across multiple equal-cost paths.

If two or more equal-cost paths from a source are available, unicast traffic will be load split across those paths. However, by default, multicast traffic is not load split across multiple equal-cost paths. In general, multicast traffic flows down from the reverse path forwarding (RPF) neighbor. According to the Protocol Independent Multicast (PIM) specifications, this neighbor must have the highest IP address if more than one neighbor has the same metric.

Configuring load splitting with the **ip multicast multipath** command causes the system to load split multicast traffic across multiple equal-cost paths based on source address using the S-hash algorithm. When the **ip multicast multipath** command is configured and multiple equal-cost paths exist, the path in which multicast traffic will travel is selected based on the source IP address. Multicast traffic from different sources will be load split across the different equal-cost paths. Load splitting will not occur across equal-cost paths for multicast traffic from the same source sent to different multicast groups.

Cisco IOS IP Multicast Command Reference (2011), at 293.

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[Final list to be determined after analytic dissection]